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EXAMINER

BUI, KIEU OANH T

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/357,941

Applicant(s)

KNUDSEN ET AL. *TD*

Examiner

KIEU-OANH T BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 October 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16, 18-37, 39-58 and 60-81 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1-16, 18-37, 39-58, 60-81 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \*   c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Remarks***

1. Claims 17, 38, and 59 were canceled in the amendment B (paper no. 11).

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-16, 18-37, 39-58, and 60-81 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

4. Claims 1-16, 18-37, 39-58, 60-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youman et al. (U.S. Patent No. 5,629,733) in view of LaJoie et al. (U.S. Patent No. 5,850,218/ or "LaJoie").

Regarding claim 1, Youman et al (or "Youman" hereinafter) discloses an interactive television program guide system (Figs. 18-20) comprising: a program guide data source, i.e., program guide data source is stored in the data memory of the television system (col. 4/line 59 to col. 5/line 19) for providing program guide data comprising program listings (as shown in Figs. 18-20 with details of program listings); and

an interactive television program guide implemented on interactive television program guide equipment having user television equipment, i.e., a TV system with the user interface (as illustrated in Figs. 1 & 3-4), wherein the interactive television program guide is configured to display on the user television equipment a program listings screen having a plurality of program listings (as shown in Figs. 18-20).

Youman does not disclose the step of comprising “a separator embedded within the program listings, wherein the separator visually separates the program listings into two regions each of which is associated with a different time slot, and wherein the separator contains information associated with one of the time slots”; however, Davis teaches a same technique which separators separate program listings into two regions each of which is associated with a different time slot and the separator contains information associated with one of the time slots as in Figure 16, the user moves the cursor to CBS Sports (item 394) the information associated with that program is shown up in a first upper half of the screen, and the user can move on to look for a different program at different time (as shown in Fig. 17), i.e., Bravo channel and its associated information is shown up, while the first current program is still on (as in Fig. 17 for illustration purpose). The user can move to a different time such as to 5, 6 or 7:00PM with the cursor on the time separator. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Youman’s system with LaJoie’s technique of using time separators to search or seek a preferred program in the program guide quickly and effectively by their time as suggested by LaJoie.

As for claim 2, in further view of claim 1, Youman further discloses “wherein the information associated with one of the time slots includes the start time of the time slot”, i.e., the start time of the time slots is shown at 7:30PM (as shown in Fig. 38B).

As for claim 3, in further view of claim 2, Youman shows “wherein the program guide is configured to display the separator only when there are programs starting at least near the start time contained within the separator”, i.e., when programs starting at least near the start time containing within the separator (as illustrated in Fig. 38B with a separator, as “TODAY 7:30PM” with left and right cursors for moving to previous and later time-slots) as at time of 7:13PM (as illustrated in Fig. 18/item 183).

With concerning claim 4, in further view of claim 1, the step of “wherein the program guide is further configured to: provide a user with an opportunity to navigate within the plurality of program listings while indicating to the user a program listing that the user has navigated to; and to skip the separator when the user navigates through the plurality of program listings” is taught by Youman, i.e., the user uses a remote controller (Fig. 3 & 4) to navigate through the program guide (of Figs. 18-20) and to skip the separator as not showing on the program guide (as shown in Fig. 38B with a separator as “TODAY 7:30PM” with left and right cursors for moving to previous and later time slots).

As for claim 5, in further view of claim 1, the step of “wherein the program guide is further configured to: provide a user with an opportunity to navigate within the plurality of program listings while indicating to the user a program listing that the user has navigated to; and require that the user navigate through an advertisement banner” is taught by Youman as the user navigate through the program listings with an advertisement banner (as shown in Fig. 10) for asking the user to subscriber a special program and/or event.

As for claim 6, in further view of claim 1, the step of “wherein the program guide is further configured to display a time indicator that is displayed according to the time slot for a listing that the user is navigating through” is taught by Youman, i.e., as the user uses the separator (Fig. 38B) to search for programs in the corresponding time slots, the program listings is displaying (as illustrated in Fig. 18) with time indicators 7:30PM and so on.

Regarding claim 7, in view of claim 1 above, Youman discloses “an interactive television program guide system comprising: a program guide data source for providing program guide data comprising program listings; and an interactive television program guide implemented on interactive television program guide equipment having user television equipment, wherein the interactive television program guide is configured to: display on the user television equipment a program guide display screen having an onscreen arrow that indicates to a user an available action; and to change a display characteristic of the on-screen arrow in response to the user performing the available action” (see the Examiner’s discussion in claim 1, and with “an onscreen arrow” for the user to navigate through the program guide; and Figs. 18-20 for “onscreen arrows” near item labeled “Enter” and Fig. 38B with obvious onscreen arrows). LaJoie also offers an on-screen arrow for performing or selecting an available option (LaJoie, Figs. 8, 9, 14, 16-17, 20-23).

As for claims 8 and 9, Youman teaches “wherein the interactive television program guide is further configured to change the display characteristic of the on-screen arrow by highlighting the on-screen arrow in response to the user performing the available action” and “wherein: the on-screen arrow has a color; and the interactive television program guide is further configured to change the display characteristic of the on-screen arrow by changing the color of the on-screen arrow in response to the user performing the available action”, i.e., icons 65c represents the up and down arrows can be highlighted and changed its color as the user selects it (see col. 16/lines 1-15; and also in Fig. 30 for different colors on the onscreen arrows).

Regarding claim 10, Youman discloses “an interactive television program guide system comprising: a program guide data source configured to provide local information data; an interactive television program guide implemented on interactive television program guide equipment having user television equipment, wherein the interactive television program guide is configured to display the local information data on the user television equipment in a display

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screen that is configurable based on the local information data” (see claim 1 with “the local information data” provided to users via the local cable company with all of local information messages and so on, in col. 15/lines 25-50). Lajoie also offers local information update (Fig. 35 for emergency news in the user’s area, col. 33/lines 30-61).

As for claims 11-13, in further view of claim 10, Youman inherently discloses “wherein the interactive television program guide is further configured to provide a user with an opportunity to access the display screen displaying the local information data from a main menu that indicates a type of local information based on the local information data”; “wherein the local information data is local weather information data”; and “wherein the local information data is local sports information data” because the data provider is a combination of local cable operator from a local cable company (col. 7/lines 50-63) and Sports and News (including local weather, not shown) are included in the program guide for displaying to users/viewers (as illustrated in Fig. 19 by Category Listings with Sports and News).

Regarding claims 14 and 35, Youman teaches “an interactive television program guide system comprising: a program guide data source for providing program guide data comprising program listings; and an interactive television program guide implemented on interactive television program guide equipment having user television equipment, wherein the interactive television program guide is configured to provide a user with an opportunity to configure the program guide to auto-tune channels when the user indicates a desire to change channels” and its corresponding method, i.e, see claim 1 and further in Fig. 1/item 18 and item 31 for a tuner and a remote controller for auto-tune channels when the user wants to change channels (Fig. 1, and col. 9/lines 42-58 & col. 10/lines 7-18). LaJoie further offers the direct access to channels by Time, Theme, or Titles (as illustrated in Figs. 20-23) as an auto-tune feature which gives the user a direct access to any available channel.

Regarding claims 15 and 36, Youman discloses “an interactive television program guide system comprising: a program guide data source for providing program guide data comprising program listings; and an interactive television program guide implemented on interactive television program guide equipment having user television equipment, wherein the interactive television program guide is configured to: provide a user with an opportunity to search through the program listings while the interactive television program guide displays at least a first portion of the program listings in a display screen on the user television equipment; and to display at least a second portion of the program listings in a display screen on the user television equipment when the user indicates using the user television equipment that the user is finished searching through the program listings, wherein the first display screen includes fewer program listings than the second display screen” and its corresponding method (see claim 1, and further in Figs. 25 and 26 as Youman shows that a first display screen as shown in Figure 25 displays fewer program listings than on Figure 26).

Regarding claims 16 and 37, Youman discloses “an interactive television program guide system comprising: a program guide data source for providing program guide data comprising program listings; and an interactive television program guide implemented on interactive television program guide equipment having user television equipment, wherein the interactive television program guide is configured to: display on the user television equipment at least a portion of the program listings in a display screen in response to a user searching for programs by titles; wherein program listings for similar titles are represented only once in the display screen” and its corresponding method, i.e., in illustrated figures of Youman, Youman does not show that a program with similar titles are shown twice on the program guide (see Figs. 18-20 & 25-26). Furthermore, LaJoie also offers title searches in LaJoie’s program guide (Fig. 23, with icon C) Title, and col. 27/line 64 to col. 28/line 62).

(Claims 17 and 38 were canceled).



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Regarding claims 18 and 39, Youman shows “an interactive television program guide system comprising: a program guide data source for providing program guide data comprising program listings; and an interactive television program guide implemented on interactive television program guide equipment having user television equipment, wherein the interactive television program guide is configured to: display a FLIP overlay on the user television equipment after a user indicates a desire to change channels; and to remove the FLIP overlay from display on the user television equipment after a predefined time by sliding the FLIP overlay toward the bottom of the display until the entire FLIP overlay is no longer displayed” and its corresponding method, i.e., a default FLIP overlay set by the system within a predetermined period of time handles this task (see col. 12/line 12 to col. 13/line 5 for more details on this issue). LaJoie further offers the Flip overlay in changing channels (Fig. 4) which the overlay is displaying toward the bottom of the display until the entire flip display is no longer displayed.

Regarding claims 19 and 40, Youman discloses an interactive television program guide system and its corresponding method comprising: a main facility having a program guide data source for providing program guide data comprising program listings, i.e., the program provider from standard broadcast, cablecast or satellite transmission (col. 7/line 50-62); interactive television program guide equipment on which an interactive television program guide is implemented, the interactive television program guide equipment comprising: a television distribution facility, i.e., the program provider (col. 7/lines 50-62); and user television equipment (as illustrated in Fig. 1); and wherein: the main facility is configured to turnoff the program guide; and the interactive television program guide is configured to display an overlay indicating that the interactive television program guide has been turned off by the main facility, i.e., the premium services of pay-per-view channels are controlled by the service provider with confirmation steps whether the viewer wants to subscribe to the service or not, if not, the service provider will turn off the service with an overlay message via customer service (Figs. 36C &

36D). Youman shows that if the viewer does not comply or satisfy with the billing issue, the customer service from the service provider will turn off the service including the program guide to users via the local cable company information messages (see col. 15/lines 25-50).

Regarding claims 20 and 41, Youman discloses an interactive television program guide system and its corresponding method comprising: a program guide data source for providing program guide data comprising program listings; and an interactive television program guide implemented on interactive television program guide equipment having user television equipment (see claim 1 above), wherein the interactive television program guide is configured to: provide a user with an opportunity to view channel information from a favorites program guide display screen and provide a user with an opportunity to set a television channel as a favorite based on the channel information (as illustrated in Figs. 8, 36D and 39 for opportunity to view channel information and procedure on how to add preference channels to a favorite channel list). LaJoie further teaches in Figure 9 that a user can add a favorite channel to his/her favorite listing by viewing an additional information of that program, if needed by setting the description to YES, based on that preview information, favorite channel can be added (col. 29/line 39 to col. 30/line 8).

Regarding claims 21 and 42, Youman teaches a hybrid passive-interactive television program guide system and its corresponding method comprising: a main facility configured to provide a plurality of promotional videos and to schedule a first subset of the promotional videos for distribution according to a promotional philosophy; a television distribution facility having a plurality of associated users, wherein the television distribution facility is configured to receive the plurality of promotional videos and to (1) distribute the first subset of the plurality of promotional videos to a plurality of users over a dedicated television channel, and (2) to distribute a second subset of the plurality of promotional videos to the plurality of users over a dedicated television channel instead of the first subset of the plurality of promotional videos

when the second subset of the plurality of promotional videos is more suitable for the associated users than the first subset of the plurality of promotional videos as defined by the promotional philosophy; and user television equipment configured to simultaneously display an interactive television program guide with the second subset of the plurality of promotional videos when the second subset of the plurality of promotional videos is more suitable for the associated users than the first subset of the plurality of promotional videos as defined by the promotional philosophy, i.e., see claim 1 above and Youman further offers an improved and effective program guide system for promoting promotional videos from vendors according to the viewer's demand (see col. 1/line 63 to col. 2/line 43 with the drawbacks in prior arts; and col. 3/lines 30-67 & col. 4/line 59 to col. 5/line 19 for enhanced solutions for an effective program guide in promoting promotional videos to viewers based on their needs/or demands).

Regarding claims 22-27, these claims for "a method for use in an interactive television program guide system comprising the steps of: providing program guide data comprising program listings; and displaying with an interactive television program guide implemented on interactive television program guide equipment having user television equipment on the user television equipment a program listings screen having a plurality of program listings and a separator embedded within the program listings, wherein the separator visually separates the program listings into two regions each of which is associated with a different time slot, and wherein the separator contains information associated with one of the time slots" with corresponding method claims for claims 1-6 are rejected for the reasons given in the scope of system claims 1-6 as already disclosed in details above.

Regarding claims 28-30, these claims for “a method for use in an interactive television program guide system comprising the steps of: providing program guide data comprising program listings; displaying with an interactive television program guide implemented on interactive television program guide equipment having user television equipment on the user television equipment a program guide display screen having an on-screen arrow that indicates to a user an available action; and changing a display characteristic of the on-screen arrow with the interactive television program guide in response to the user performing the available action” with corresponding method claims for claims 7-9 are rejected for the reasons given in the scope of system claims 7-9 as already disclosed in details above.

Regarding claims 31-34, these claims for “a method for use in an interactive television program guide system comprising the steps of: “providing program guide data comprising program listings; and displaying with an interactive television program guide implemented on interactive television program guide equipment having user television equipment on the user television equipment the local information data in a display screen that is configurable based on the local information data” with corresponding method claims for claims 10-13 are rejected for the reasons given in the scope of system claims 10-13 as already disclosed in details above.

Regarding claims 43-57 and 59-63, these claims for an interactive television program guide system with same limitations as of system claims 1-16 and 18-21 are rejected for the reasons given in the scope of system claims 1-16 and 18-21 as already disclosed in details above.

5. Claims 64-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youman et al (U.S. Patent No. 5,629,733) in view of Brandon et al. (U.S. Patent No. 4,924,303).

Regarding claim 64, Youman teaches a television programming viewing system with a set-top box (Fig. 1 and col. 7/lines 40-50), and wherein television programming is provided to a number of viewers, i.e., for multiple users in a network level not for a single person (col. 7/lines 40-63), the system comprising:

a display device for displaying the television programming (Fig. 1/item 27);

a recording device for recording the television programming, i.e., a video cassette recorder or a VCR for recording purposes is part of the television system (col. 7/lines 40-50).

Youman does not disclose the system “in which multiple types of RF bypass switches may be used in conjunction with a set-top box” and “an RF bypass switch of a single type of switch from a plurality of different types of switches, wherein the RF bypass switch comprises at least one switch state and is configured to allow at least one unprocessed signal representing the television programming to be passed to at least one device from the group of devices comprising the display device and the recording device, when the RF bypass switch is in a first switch state; and a set-top box that is configurable to operate differently for each type of RF bypass switch of the plurality of types of switches” as claimed; however, the technique of using an RF bypass switch (es) in determining the signal sources for the end user is taught by Brandon. Infact, Brandon discloses an exact same technique in using an RF bypass switch for determining the source of the RF signals to reach the end user at the television set (see Brandon, col. 10/lines 15-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Youman’s interactive program guide system with Brandon’s disclosed technique in using an RF bypass switch in order to obtain “the RF bypass switch comprises at least one switch state and is configured to allow at least one unprocessed signal representing the television programming to be passed to at least one device from the group of

devices comprising the display device and the recording device, when the RF bypass switch is in a first switch state” as claimed. The motivation for doing this is to identify the different signal sources as taught by Brandon.

As for claim 65, Youman further teaches “comprising an interactive television program guide implemented at least in part on the set-top box”, i.e., program guide information is stored within the cable converter box or the set top box (col. 7/lines 40-50 & col. 8/lines 14-25).

As for claim 66, in further view of claim 64 above, Brandon teaches “wherein the RF bypass switch is configured to provide a processed signal to the recording device and an unprocessed signal to the display device” (see claim 64 above).

As for claim 67, the combination of Youman and Brandon inherently teach “wherein: the set-top box has an on/off state; and the RF bypass switch is further configured to change switch states when the set-top box changes its on/off state” because it is obvious that the set top box must have an on/off state or active and inactive state as the user turns on or off the set top box with the remote controller (Fig. 4/item 41), and the RF bypass switch must be configured to accommodate this feature as the set top box changes its on/off state.

As for claim 68, Youman and Brandon teaches “wherein: the television programming is provided to the set-top box via a plurality of signals the system further comprises an input device; and the set-top box is further configured to provide the user with an opportunity to select which signal of the plurality of signals is bypassed by the RF bypass switch”, i.e., the user’s cable converter box is used for receiving a plurality of signal sources such as standard broadcast, cablecast or satellite transmission or in other forms of data transmission (col. 7/lines 40-63).

As for claim 69, in further view of claims 64 & 67 above, the combination of Youman and Brandon teaches “wherein the RF bypass switch is further configured to be disabled according to a user selectable setting” because it is obvious that the set top box must have an on/off state or active and inactive state as the user turns on or off the set top box with the remote controller (Fig. 4/item 41), and the RF bypass switch must be configured to accommodate this feature as the set top box changes its on/off state.

Regarding claims 70-75, these claims for “a method for use in a television programming viewing system in which multiple types of RF bypass switches may be used in conjunction with a set-top box, and wherein television programming is provided to a number of viewers, the method comprising: providing at least one unprocessed signal representing the television programming, with an RF bypass switch of a single type of switch from a plurality of different types of switches, to at least one device from the group of devices comprising the display device and the recording device; and configuring a set-top box to operate differently for each type of RF bypass switch of the plurality of types of switches” are rejected for the reasons given in the scope of system claims 64-69 as already disclosed above.

Regarding claims 76-81, these claims for “a television programming viewing system in which multiple types of RF bypass switches may be used in conjunction with a set-top box, and wherein television programming is provided to a number of viewers, the system comprising: switching means for providing at least one unprocessed signal representing the television programming to at least one device from the group of devices comprising the display device and the recording device, wherein the switching means is a single type of switching means from a plurality of different types of switching means; and means for operating a set-top box differently for each type of switching means” with same limitations of system claims 64-69 are rejected for the reasons given in the scope of system claims 64-69 as already disclosed in details above.

***Conclusion***

6. **Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park 99, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

  
**VIVEK SRIVASTAVA**  
**PATENT EXAMINER**

Krista Bui  
Art Unit 2611  
November 18, 2002